

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and the following comments is courteously solicited.

In the present paper, claims 25 and 28 have each been amended to include the subject matter of former claim 40 which has been cancelled without prejudice.

In the aforesaid action, the Examiner rejected claim 40 as obvious over Tusim in view of Noel. Reconsideration is respectfully requested.

As acknowledged by the Examiner, Tusim does not teach cutting the block to obtain a structure as called for by claims 25 and 28 as amended. The Examiner relies upon Noel for this teaching.

As explained below, the teachings of Tusim and Noel do not logically combine to arrive at the claimed subject matter, and reconsideration of the rejection is respectfully requested.

Tusim teaches, for example at column 6, lines 11-25, that "It has been discovered that the resulting coalesced strand foams produced from such polymeric blends unexpectedly exhibit increased tensile strength, especially in a direction normal to a longitudinal direction of the coalesced strands (i.e., the extrusion direction)". To cut the structures of Tusim as is done in Noel would orient this increased strength away from a direction of expected impact in the structure of Tusim, and would therefore be contrary to logic as the strength of the material as described in the above passage of Tusim would be wasted.

Considering further the teachings of Noel, the cutting of the Noel structure is said to produce a super-lightweight panel with oval holes 32 and extended holes 33. These holes 32, 33 provide the desired lightweight structure, and using the cutting

technique of Noel with a different structure which does not have such holes would be using the teachings of Noel in an environment which is not similar to that of Noel, where the material is not provided with such holes and is not super-lightweight.

Since the combination of Tusim and Noel to reach the subject matter of claim 40 requires doing so contrary to teachings in both Tusim and Noel, it is believed that these teachings are not properly combinable to reject the subject matter of claim 40, now rewritten into each of claims 25 and 28, and these two independent claims are believed to be allowable.

Dependent claims 22-24, 26-27, 29-31 and 41-42 all depend directly or indirectly from claim 25 and/or 28 and are believed to be allowable based upon this dependency. These claims are also submitted to be allowable in their own right.

This paper is accompanied by authorization to charge a fee for extra claims and a fee for an extension of time. It is believed that no other fee is due. If any such fee is due, please charge same to deposit account 02-0184.

Respectfully submitted,

By /George A. Coury/
George A. Coury
Attorney for Applicants
Reg. No. 34,309
Tel: (203) 777-6628
Fax: (203) 865-0297
E-Mail: docket@bachlap.com

Date: November 30, 2009